



Docket No. 1791 CON

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Rule 1.53 Continuing Application of: Charles J. Winslow, et al

CON of Serial No.: 08/615,379 Examiner: J. Woo

Filed: July 8, 1997 Group Art Unit: 3309

For: METHOD AND INSTRUMENTATION FOR IMPLANT INSERTION

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

APPLICATION TRANSMITTAL LETTER

Pete [Signature] A

Sir:

1. This is a request for filing a: Continuation Divisional application under 37 C.F.R. § 1.53, of pending prior application Serial No. 08/615,379 filed on March 14, 1996. This application is being filed in accordance with MPEP § 201.03 which advises "[i]f at least one of the correct inventors has been named in an application, but it is discovered that correction of inventorship is necessary, applicants are advised to consider abandoning the application and the filing of a continuing application under 37 CFR 1.53 with the correct inventive entity named".
2. The above-identified parent application, serial no. 08/615,379, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application so as to make this application copending with said parent application.
3. Transmitted herewith for filing is the utility design patent application in this case including:
 - The application consisting of 20 pages (including specification, claims and abstract).
 - 13 sheet(s) of drawings are enclosed. The drawings are:
 - formal; or
 - informal; formal drawings will be submitted in due course.
 - A declaration and power of attorney is not enclosed at this time since it has not been executed by the inventors. A signed declaration and power of attorney will be submitted in due course.

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The inventors are: CHARLES J. WINSLOW
STEVEN T. MITCHELL
KIRK JAYNE
CHARLES D. RAY

4. [x] The filing fee has been calculated as shown below.

	No. Filed	No. Extra	Rate:	Fee
Basic Fee:				\$ 770.00
Total Claims:	21	- 20	= 1	x \$22.00 22.00
Indep Claims:	5	- 3	= 2	x \$80.00 160.00
[] Multiple Dependent Claims Presented		+ 230 =		
			TOTAL:	\$ 952.00

- a. [] A check for the amount of _____ to cover the filing fees is enclosed.
- b. [x] Please charge Deposit Account No. 21-0550 in the amount of \$952.00 to cover the filing fees. TWO DUPLICATE COPIES OF THIS PAPER ARE ENCLOSED.

5. [x] Amend the specification such that the first line reads as follows:
(entire genealogy should be set forth): --This is a [x]
continuation of U.S. Application Serial No. 08/615,379, filed
March 14, 1996. *Now ABN*

6. [x] For this continuing application and the parent application the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 21-0550. TWO DUPLICATE COPIES OF THIS PAPER ARE ENCLOSED.
- [x] Any additional filing fees required under 37 CFR Section 1.16 not otherwise paid by check.
- [x] Any patent application processing fees required under 37 CFR Section 1.17 not otherwise paid by check.

7. [x] Address all future communications to:

NEIL D. GERSHON, ESQ.
United States Surgical Corporation
150 Glover Avenue
Norwalk, Connecticut 06856

8. [x] Address all future telephone calls to:

NEIL D. GERSHON, ESQ.
(203) 845-1480

9. [] A petition for extension of time in the parent application is enclosed so that the parent application will be pending as of the time this paper is filed.

10. The Commissioner is hereby authorized to charge any additional fees which may be required for this application, or credit any overpayment to Deposit Account No. 21-0550. **TWO DUPLICATE COPIES OF THIS SHEET ARE ENCLOSED.**

The undersigned declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Respectfully submitted,

Date: 7/8/97

By: Neil D. Gershon
Neil D. Gershon
Reg. No. 32,225
Attorney for Applicants

UNITED STATES SURGICAL CORPORATION
150 Glover Avenue
Norwalk, CT 06856
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CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: GB082881546 US
Date of Deposit: July 8, 1997

I hereby certify that the following:

- This Certificate of Express Mailing
- Application Transmittal Letter
- A patent application consisting of 20 pages
of abstract, specification and claims
- 13 sheets of [] formal informal drawings
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

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